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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN GRANAWALT, CARLOS MIRDANDA,
and JULIO ALISEA, on behalf of themselves
and other similarly situation,

Case No. 11-CV-2664 (RMB)

Plaintiff,

**DECLARATION OF NICHOLAS
M. MOCCIA, ESQ.**

v.

AT&T MOBILITY, LLC; ALPHA-OMEGA
PROTECTION SERVICES CORP.;
GRACE M. DEPOMPO; GLADIUS, INC., and
CENTURIA, INC.,

Defendants.

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I, Nicholas M. Moccia, declare:

1. I am of counsel to the Law Offices of Robert E. Brown, P.C., attorneys for Defendant Alpha-Omega Protection Services, Inc., ("Alpha Omega") and Defendant Grace DePompo ("Grace DePompo")(jointly and collectively, "Alpha Defendants"). I am an attorney at law duly licensed to practice law before the courts of the State of New York, as well as the United States District Court, Southern District of New York.

2. I submit this Declaration in opposition to Defendant Gladius, Inc.'s ("Gladius") and Defendant Centuria, Inc.'s ("Centuria") Motion to Dismiss the Alpha Defendants' Cross-claims.

3. Attached as **Exhibit "A"** is a selection of Centuria invoices for ten AT&T Mobility locations, which demonstrate, among other things, Centuria's extensive contacts with the State of New York.

4. Attached as **Exhibit "B"** is the Deposition of Amadeus Santos dated August 24, 2011, who is a regional property manager for AT&T Mobility's retail stores in the New York Metropolitan area. Mr. Santos testified to his extensive dealings with both Gladius and Centuria in the State of New York, and indicated that he believed these two entities to be interchangeable, among other things.

5. Attached as **Exhibit "C"** is the email of Bryan Carpenter, dated February 23, 2011, an employee of Centuria. Mr. Carpenter was giving Amadeus Santos of AT&T Mobility, notice that Alpha Omega was going to be replaced by Stone Security at certain AT&T Mobility retail locations.

6. Attached as **Exhibit "D"** is a selection of Gladius invoices for twenty-three (23) AT&T Mobility locations for which Alpha Omega provided security services from January 27, 2011, to February 25, 2011. Gladius did not pay for services rendered by Alpha Omega during this period, and it is from this period of non-payment that Alpha Omega's claims against Gladius and Centuria arise. It is noteworthy that Gladius/Centuria were paid by AT&T Mobility for services rendered during this period at the twenty-three (23) respective AT&T Mobility locations.

7. Attached as **Exhibit "E"** is the email of Herbert Isham, owner of Gladius and Centuria, who, without cause or notice, terminated Gladius' contract with Alpha Omega.

8. Attached as **Exhibit "F"** is the email of Ricky Wyatt, dated March 28, 2011. Ricky Wyatt is an employee of both Gladius and Centuria, and on March 28, 2011, Mr. Wyatt

sent an email, via a Centuria email address, to Amadeus Santos regarding Gladius' invoices, evidencing the intermingling of employees, contact information, services and accounts receivable.

9. Attached as **Exhibit "G"** is an email to Mandi Ratley, dated August 18, 2010, and attached as **Exhibit "H"** another email to Mandi Ratley, dated December 17, 2010. In Ex. G, Ms. Ratley makes use of a Gladius email address, whereas in Ex. H she makes use of a Centuria email address, and in each instance she was the recipient of a email from Amadeus Santos complaining of the behavior of a security guard at AT&T Mobility location staffed by Alpha Omega.

10. Attached as **Exhibit "I"** is a letter from Grace DePompo dated April 12, 2011, to her security guards explaining that the reason why they have not been paid is because Gladius, now know as Centuria, failed to issue payment and breached its contract with her.

11. Attached as **Exhibit "J"** is Joseph Branch's Plea Agreement filed via ECF on March 10, 2011, and Factual Basis filed via ECF on March 10, 2011. Joseph Branch pled guilty to one count of conspiracy to defraud in *U.S. v. Joseph Branch*, Criminal Docket No. 10-174 (CJB)(DEK), United States District Court, Eastern District of Louisiana.

12. Attached as **Exhibit "K"** is the Sentencing Notice of Joseph Branch, a former owner of Gladius, filed August 4, 2011. Joseph Branch is due to be sentenced on October 20, 2011, and faces a maximum sentence of five (5) years in prison, a \$250,000 fine, and three (3) years of supervised release.

I declare under penalty of perjury, pursuant to 28 USC §1746, that the foregoing statements made by me are true and correct.

Dated: September 26, 2011
New York, New York

By: /s/ Nicholas M. Moccia
Nicholas M. Moccia, Esq.